

**KLAUBER & JACKSON**

ATTORNEYS AT LAW

CONTINENTAL PLAZA

411 HACKENSACK AVENUE

HACKENSACK, NEW JERSEY 07601

#2

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(201) 487-5800

FACSIMILE: (201) 343-1684

email: kjiplaw@webspan.net

STEFAN J. KLAUBER+  
DAVID A. JACKSON  
MICHAEL D. DAVIS\*  
MARK S. COHEN  
DONALD J. COX, JR.\*  
WILLIAM C. COPPOLA  
JACK MATALON+  
LAWRENCE D. MANDEL+  
STEVEN B. STEIN

\*BAR OTHER THAN N.J.

+COUNSEL

March 17, 1999

**PATENT AGENTS**

CHRISTINE E. DIETZEL, Ph.D.  
MICHAEL A. YAMIN, Ph.D.  
YUAN KONG, M.S.

Assistant Commissioner for Patents  
Box PCT  
Washington, DC 20231

**TRANSMITTAL OF VERIFIED STATEMENT**  
**CLAIMING SMALL ENTITY STATUS**

Re: National Phase in the U.S. Based on PCT/GB97/01939  
Applicants : Robert William CUNNINGHAM  
Title : NEW TEST DEVICE FOR MASS SCREENING  
Serial No. : 09/230,137  
Filed : January 19, 1999  
Our File : 2386-1-001

**EXPRESS MAIL "CERTIFICATE MAILING NO." : EL339589498US**  
**DATE OF DEPOSIT : MARCH 17, 1999**

Dear Sir:

Applicants herewith submit a Verified Statement Claiming Small Entity Status on behalf a Small Business concern for filing in the above referenced application.

Due entry and filing hereof and a change on the record of the Small Entity Status of the Applicant are

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5000  
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STEFAN J. KLAUBER+  
DAVID A. JACKSON  
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KLAUBER & JACKSON  
ATTORNEYS AT LAW  
CONTINENTAL PLAZA  
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HACKENSACK, NEW JERSEY 07601

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March 17, 1999

Assistant Commissioner for Patents  
Washington, D.C. 20231

Attention: Refund Section  
Crystal Park 1  
Room 800

CERTIFICATE OF MAILING UNDER 37 CFR 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to the ASSISTANT COMMISSIONER FOR PATENTS, WASHINGTON, DC 20231 on March 17, 1999.

David A. Jackson, Reg. No. 26,742  
(Name of Registered Representative)

David A. Jackson 3/17/99  
(Signature and Date)

REQUEST FOR REFUND UPON PROOF OF  
SMALL ENTITY STATUS

Re: U.S. Patent Application  
Applicant(s) : Robert William CUNNINGHAM  
Title : NEW TEST DEVICE FOR MASS SCREENING  
Serial No. : 09/230,137  
Filed : January 19, 1999  
Our File : 2386-1-001

Dear Sir/Madam:

Request is herein made for a refund of fees payable to the PCT Office at the U.S. Patent and Trademark Office, upon submission of a Verified Statement establishing the Small Entity Status of the Applicant, or of those having an interest in the subject invention.

Assistant Commissioner for Patents  
March 17, 1999  
Page 2

Attorney Docket: 2386-1-001

This refund is requested pursuant to 37 C.F.R. 1.28 as amended, effective April 1, 1984.

In this situation, the Filing Fees were paid by Check No. 09946, dated January 19, 1999, in the amount of \$1,424.00. Copies of the following are attached:

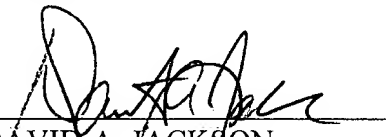
1. Form PTO-1390 submitted at filing;
2. Check No. 09946 along with postcard; and
3. Return postcard receipt from the USPTO.

Applicants are submitting the above request for refund within the deadline for doing so and by the filing concurrently herewith of a Verified Statement Claiming Small Entity Status. A copy of this concurrent filing is also enclosed.

In view of the circumstances set forth above and established by the documents attached hereto, Applicant by the undersigned, requests that the amount of \$712.00 be credited to the deposit account of the undersigned, Deposit Account No. 11-1153.

This Request is submitted in duplicate, and the undersigned requests confirmation of the grant of this request and attention to the crediting of the stated Deposit Account.

Respectfully submitted,

  
\_\_\_\_\_  
DAVID A. JACKSON  
Attorney for Applicant(s)  
Registration No. 26,742

DAJ:ls  
Enclosures

RECEIVED

Serial No. PCT/GB97/01939 File No. 2386-1-001 By DAJ/1s  
Title NEW TEST DEVICE FOR MASS SCREENING  
In the Matter of the Application of Robert William CUNNINGHAM

The following was received in the U.S. Patent & Trademark Office on the date  
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<input checked="" type="checkbox"/> Transmittal Sheet/Cover Ltr.	<input type="checkbox"/> Extension of Time
<input checked="" type="checkbox"/> Application For Patent	<input type="checkbox"/> Issue Fee Transmittal
<input checked="" type="checkbox"/> Declaration <input type="checkbox"/> Affidavit unexecuted	<input type="checkbox"/> Maintenance Fee
<input checked="" type="checkbox"/> Drawings <input checked="" type="checkbox"/> Sheet(s) Figs. 1-8	<input type="checkbox"/> Appln. TM Registration
<input type="checkbox"/> S.E. Verified Statements	<input type="checkbox"/> 8 & 15 Declaration
<input type="checkbox"/> Assignment	<input type="checkbox"/> Renewal Application
<input checked="" type="checkbox"/> Check for \$ <u>1,424.00</u>	<input type="checkbox"/> Notice of Appeal
<input type="checkbox"/> Letter <input type="checkbox"/> Missing Parts	<input type="checkbox"/> Brief <input type="checkbox"/> Petition
<input type="checkbox"/> Priority Document	<input type="checkbox"/> Power of Attorney
<input checked="" type="checkbox"/> Amendment <input type="checkbox"/> Response	<input checked="" type="checkbox"/> copy of Intern'l Search
PRELIMINARY	Report and Intern'l Examination
	Report

09/230137  
416 Rec'd PCT/PTO 19 JAN 1999

DOCKETED CPI

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EL267940898US



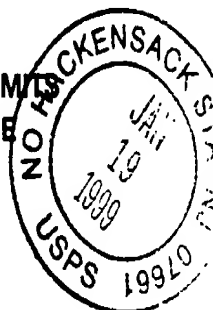
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Serial No. PCT/GB97/01939 File No. 2386-1-001 By DAJ/1s  
Title NEW TEST DEVICE FOR MASS SCREENING

In the Matter of the Application of Robert William CUNNINGHAM

The following was received in the U.S. Patent & Trademark Office on the date  
stamped hereon: VIA EXPRESS MAIL #EL267940898US

☒ Transmittal Sheet/Cover Ltr. ☐ Extension of Time  
☒ Application For Patent ☐ Issue Fee Transmittal  
☒ Declaration ☐ Affidavit unexecuted ☐ Maintenance Fee  
☒ Drawings ☒ Sheet(s) Figs. 1-8 ☐ Appln. TM Registration  
☐ S.E. Verified Statements ☐ 8 & 15 Declaration  
☐ Assignment ☐ Renewal Application  
☒ Check for \$ 1,424.00 ☐ Notice of Appeal  
☐ Letter ☐ Missing Parts ☐ Brief ☐ Petition  
☐ Priority Document ☐ Power of Attorney  
☒ Amendment ☐ Response ☒ copy of Intern'l Search  
PRELIMINARY Report and Intern'l Examination  
Report

EL267940898US

**KLAUBER AND JACKSON**  
**SPECIAL ACCOUNT**

411 HACKENSACK AVENUE  
HACKENSACK, NJ 07601

09946

DATE 1/19/99

55-216/212

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ORDER OF

\$ 1424.00

One thousand four hundred twenty four & 00/100 DOLLARS

THIS CHECK IS DELIVERED IN CONNECTION WITH THE FOLLOWING ACCOUNTS

2386-1-001			
PCT/GB 97/01939			
filed for			

Joann Rodgers

⑈009946⑈ ⑆021202162⑆ 134⑈00688 7⑈

**TRANSMITTAL LETTER TO THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)  
CONCERNING A FILING UNDER 35 U.S.C. 371**

2386-1-001

U.S. APPLICATION NO. (If known, see 37 C.F.R. 1.5)

INTERNATIONAL APPLICATION NO.  
PCT/GB97/01939INTERNATIONAL FILING DATE  
16 July 1997PRIORITY DATE CLAIMED  
17 July 1996TITLE OF INVENTION  
NEW TEST DEVICE FOR MASS SCREENINGAPPLICANT(S) FOR DO/EO/US  
Robert William CUNNINGHAM

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
  2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
  3. ☒ This express request to begin national examination procedures (35 U.S.C. 371(f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b) and the PCT Articles 22 and 39(1).
  4. ☒ A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date.
  5. ☒ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
    - a. ☒ is transmitted herewith (required only if not transmitted by the International Bureau).
    - b. ☒ has been transmitted by the International Bureau.
    - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US)
  6. ☐ A translation of the International Application into English (35 U.S.C. 371(c)(2)).
  7. ☒ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
    - a. ☒ are transmitted herewith (required only if not transmitted by the International Bureau).
    - b. ☒ have been transmitted by the International Bureau.
    - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
    - d. ☐ have not been made and will not be made.
  8. ☐ A translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
  9. ☒ An unexecuted oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
  10. ☐ A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).
- Items 11. to 16. below concern other document(s) or information included:
11. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
  12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
  13. ☒ A **FIRST** preliminary amendment.  
☐ A **SECOND** or **SUBSEQUENT** preliminary amendment.
  14. ☐ A substitute specification.
  15. ☐ A change of power of attorney and/or address letter.
  16. ☒ Other items or information:

COPY OF INTERNATIONAL SEARCH REPORT; COPY OF INTERNATIONAL PRELIMINARY EXAMINATION REPORT; FIVE (5) SHEETS OF DRAWINGS (Figures 1-8)

EXPRESS MAIL MAILING CERTIFICATE NO.: EL267940898US DATE OF DEPOSIT: JANUARY 19, 1999

U.S. APPLICATION NO. (if known, see 37 C.F.R. 1.50)		INTERNATIONAL APPLICATION NO. PCT/GB97/01939		ATTORNEY'S DOCKET NUMBER 2386-1-001	
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17. <input checked="" type="checkbox"/> The following fees are submitted:	<b>CALCULATIONS</b>	PTO USE ONLY		
<b>Basic National Fee (37 CFR 1.492(a)(1)-(5)):</b> Search Report has been prepared by the EPO or JPO ..... \$840.00 International preliminary examination fee paid to USPTO (37 CFR 1.482) ..... \$670.00 No international preliminary examination fee paid to USPTO (37 CFR 1.482) but international search fee paid to USPTO (37 CFR 1.445(a)(2)) ..... \$760.00 Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO ..... \$970.00 International preliminary examination fee paid to USPTO (37 CFR 1.482) and all claims satisfied provisions of PCT Article 33(2)-(4) ..... \$ 96.00				
<b>ENTER APPROPRIATE BASIC FEE AMOUNT =</b>		\$ 840.00		
Surcharge of \$130.00 for furnishing the oath or declaration later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(e)).		\$		
Claims	Number Filed	Number Extra	Rate	
Total Claims	38 -20 =	18	X \$ 18.00	\$ 324.00
Independent Claims	1 -3 =	0	X \$ 78.00	\$ .00
Multiple dependent claim(s) (if applicable)			+ \$260.00	\$ 260.00
<b>TOTAL OF ABOVE CALCULATIONS =</b>				\$ 1,424.00
Reduction for 1/2 for filing by small entity, if applicable. Verified Small Entity statement must also be filed. (Note 37 CFR 1.9, 1.27, 1.28).				\$
<b>SUBTOTAL =</b>				\$ 1,424.00
Processing fee of \$130.00 for furnishing the English translation later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(f)).				\$ .00
<b>TOTAL NATIONAL FEE =</b>				\$ 1,424.00
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property +				\$ .00
<b>TOTAL FEES ENCLOSED =</b>				\$ 1,424.00
				Amount to be: refunded \$
				charged \$

a. ☒ A check in the amount of \$ 1,424.00 to cover the above fees is enclosed.

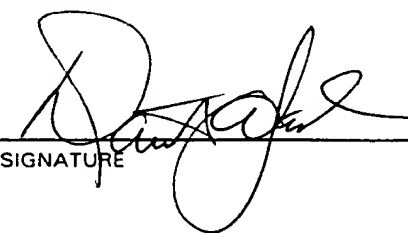
b. ☐ Please charge my Deposit Account No. 11-1153 in the amount of \$ \_\_\_\_\_ to cover the above fees. A duplicate copy of this sheet is enclosed.

c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 11-1153. A duplicate copy of this sheet is enclosed.

**NOTE:** Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.

SEND ALL CORRESPONDENCE TO:

DAVID A. JACKSON  
 KLAUBER & JACKSON  
 411 HACKENSACK AVENUE  
 4TH FLOOR  
 HACKENSACK, NEW JERSEY 07601

  
 \_\_\_\_\_  
 SIGNATURE

NAME  
David A. Jackson, Reg. No. 26,742  
 REGISTRATION NUMBER

**EXPRESS MAIL MAILING CERTIFICATE NO.: EL267940898US DATE OF DEPOSIT: JANUARY 19, 1999**



Applicant or Patentee: Robert William CUNNINGHAM

Application or Patent No.: 09/230,137

Filed or Issued: January 19, 1999

For: NEW TEST DEVICE FOR MASS SCREENING

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY  
STATUS (37 C.F.R. §§ 1.9(f) AND 1.27(b)) - INDEPENDENT INVENTOR**

As a below-named inventor, I hereby declare that I qualify as an independent inventor as defined in 37 C.F.R. § 1.9(c) for purposes of paying reduced fees under Sections 41(a) and 41(b) of Title 35, United States Code, to the Patent and Trademark Office with regard to the invention entitled NEW TEST DEVICE FOR MASS SCREENING described in:

- ☐ the specification filed herewith  
☒ Application No. 09/230,137, filed January 19, 1999  
☐ Patent No. \_\_\_\_\_, issued \_\_\_\_\_

I have not assigned, granted, conveyed, or licensed and am under no obligation under contract or law to assign, grant, convey, or license any rights in the invention either to any person who could not be classified as an independent inventor under 37 C.F.R. § 1.9(c) if that person had made the invention, or to any concern that would not qualify as either a small business concern under 37 C.F.R. § 1.9(d) or a nonprofit organization under 37 C.F.R. § 1.9(e).

Each person, concern or organization to which I have assigned, granted, conveyed, or licensed or am under an obligation under contract or law to assign, grant, convey, or license any rights in the invention is listed below:

- ☐ no such person, concern, or organization  
☐ persons, concerns, or organizations listed below\*

\*NOTE: Separate verified statements are required from each named person, concern, or organization having rights to the invention averring to their status as small entities. (37 C.F.R. § 1.27.)

FULL NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_  
☐ individual      ☐ small business concern      ☐ nonprofit organization

FULL NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_  
☐ individual      ☐ small business concern      ☐ nonprofit organization

FULL NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_  
☐ individual      ☐ small business concern      ☐ nonprofit organization

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earlier of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 C.F.R. § 1.28(b).)

PATENT  
2386-1-001

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code; and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Name Robert William Cunningham

Signature [Signature] Date 24.1.99

Name \_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_

Name \_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_